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SEP 16 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Federal Express/By Hand

September 15, 1993

William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street NW Suite 222  
Washington, D.C. 20554

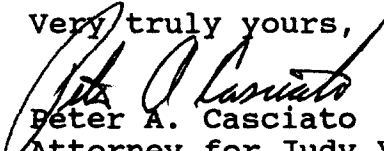
Re: MM Docket No. 93-95 Windsor, CA

Dear Mr. Caton:

Enclosed for filing in the above-referenced proceeding are an original and eleven copies of Judy Yep Hughes' (BPH-911115MT) Consolidated Brief and Limited Exceptions.

Should you have any questions concerning this matter, please contact the undersigned.

Very truly yours,

  
Peter A. Casciato  
Attorney for Judy Yep Hughes

enclosures

cc: Judy Yep Hughes w/encl.

PAC:sc

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**SEP 16 1993**

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	MM Docket No. 93-95
	)	
Eric R. Hilding	)	File No. BPH-911115MR
	)	
Judy Yep Hughes	)	File No. BPH-911115MT
	)	
For a Construction Permit	)	
For a New FM Radio Station	)	
on 281A in	)	
Windsor, California	)	

To: The Review Board

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**SEP 16 1993**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**CONSOLIDATED BRIEF & LIMITED EXCEPTIONS**  
**OF JUDY YEP HUGHES**

Peter A. Casciato  
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September 15, 1993

Attorney for  
Judy Yep Hughes

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## SUMMARY

The Initial Decision should be affirmed, but corrected, to accord the prevailing applicant, Judy Yep Hughes, full credit for her minority status, as an American of Chinese descent.

## **QUESTIONS PRESENTED**

**Did the Initial Decision herein err in:**

- A. Failing To Accord Judy Yep Hughes Her Full  
Integration Enhancement Credit As A  
Minority of Chinese Descent**

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

In re Applications of	)	MM Docket NO. 93-95
	)	
ERIC R. HILDING	)	File No. BPH-911115MR
	)	
JUDY YEP HUGHES	)	File No. BPH-911115MT
	)	
For a Construction Permit	)	
For a New FM Station on	)	
Channel 281A in	)	
Windsor, California	)	

To: The Review Board

BRIEF AND LIMITED EXCEPTIONS TO SUMMARY DECISION

Judy Yep Hughes, by her attorney and pursuant to Section 1.276 of the Commission's rules, hereby submits her consolidated brief and limited exceptions to the Summary Decision issued in her favor in this proceeding in FCC 93D-17, released August 18, 1993.

Based on cross-motions for summary decision agreed to by both competing applicants in this proceeding and memorialized in ALJ Order FCC 93M-428, released June 30, 1993, the presiding judge granted the summary decision motion of Ms. Hughes, noting that she was the preferred comparative applicant. Ms. Hughes prevailed because of her long time local residence in the service area in a community (Healdsburg, CA), which is located adjacent to or proximate to Windsor, the city of license, and due to her long standing pattern of civic activities, dating to 1984, in both Healdsburg and Windsor. See Summary Decision FCC 93D-17 at

paras. 7 & 12. In contrast, her opponent had (i) no local residence and no civic activities in either the city of license or the service area; (ii) merely promised to move there and (iii) his only enhancement factor was for broadcast experience, a matter of minor significance. Id.

A. The Initial Decision Fails To Accord Judy Yep Hughes Her Minority Status As An Independent Integration Enhancement Factor Entitling Her to Prevail By a Wide Margin In This Proceeding

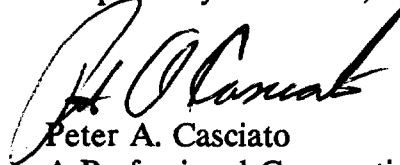
Ms. Hughes excepts to the Summary Decision only to the extent that it does not, in its Conclusions of Law, indicate that she was the overwhelmingly favored applicant not only because of her superior local residence and civic activity attributes, but also because she is of recognized minority descent (Chinese), as noted in para. 6 of the Summary Decision. As the Summary Decision notes (at fn. 5, page three), minority ownership is given weight that is equal to the combination of local residence and participation in civic affairs (while past broadcast experience is accorded much less weight). Waters Broadcasting Corp., 91 FCC 21 1260 (1982); see also Linda U. Kulisky, FCC 93R-43 released August 31, 1993 at para 8, and cases cited thereunder. However, the conclusions of law in the Summary Decision fail to accord Ms. Hughes the additional enhancement credit of her minority status, which should have been coupled with her superior local residence and civic activities. Thus, Ms. Hughes submits that the Summary Decision should be affirmed, but corrected, to accord Ms. Hughes the full minority enhancement credit to which she is entitled under law. Waters Broadcasting, supra; Linda U. Kulisky, supra.



Conclusion

For all of the foregoing reasons, the Summary Decision should be affirmed but corrected to accord full minority enhancement credit to Ms. Hughes in accordance with these limited exceptions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. A. Casciato", written over the printed name.

Peter A. Casciato  
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San Francisco, CA 94111  
(415) 291-8661

September 15, 1993

Attorney for Judy Yep Hughes

CERTIFICATE OF SERVICE

I, Peter A. Casciato, certify that the following is true and correct:

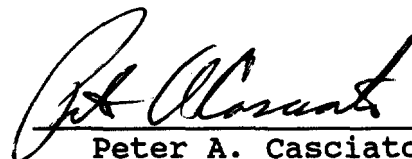
I am employed in the City and County of San Francisco, California, am over the age of eighteen years, and am not a party to the within entitled action:

My business address is: 1500 Sansome St., Suite 201, San Francisco, California 94111.

On September 16, 1993, I caused the attached Consolidated Brief & Limited Exceptions to be served by causing true copies thereof, enclosed in sealed envelopes with postage thereon fully prepaid, to be sent by regular U.S. Mail in San Francisco, CA for delivery as follows:

Eric R. Hilding  
P.O. Box 1700  
Morgan Hill, CA 95038-1700

Allan Sacks, Esq.  
Chief for Law  
Review Board  
2000 L Street NW  
Room 205  
Washington, D.C. 20036

  
Peter A. Casciato